<u>REMARKS</u>

The Applicant respectfully requests the Examiner to enter the presented amendments prior to the examination of the application. Claims 8, 20, 32, and 44 have been amended. Consideration of the application as amended is respectfully requested.

The following arguments are provided to impart precision to the foregoing claims by more particularly pointing out the invention, rather than to avoid prior art.

<u>35 U.S.C. § 103(a) Rejections</u>

Examiner rejected claims 1-6, 8, 10, 13-18, 20, 22, 30, 32, 34, 37-42, 44 and 46 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,724,492 (hereinafter "Matthews, et al."). Examiner rejected claims 7, 9, 19, 21, 31, 33, 43, and 45 under 35 U.S.C. § 103(a) as being unpatentable over Matthews, et al. in view of U.S. Patent 6,043,818, (hereinafter "Nakano"). Examiner rejected claims 11, 12, 23, 24, 35, 36, 47 and 48 under 35 U.S.C. § 103(a) as being unpatentable over Matthews, et al. and Nakano, and further in view of U.S. Patent 5,977,964 (hereinafter "Williams, et al.").

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

<u>Claims 1-6, 8, 10, 13-18, 20, 22, 25, 30, 32, 34, 37-42, 44, and 46</u>

Independent claims 1, 13, 25 and 27 include limitations that are not disclosed or suggested by Matthews. In particular, Applicant's independent claims include the limitation, or limitation similar thereto, of generating a plurality of planes positioned on a polyhedron, planes being approximately parallel, said polyhedron having a first object on a first plane and a second object on a second plane, said objects providing interactive surfaces.

8

As Examiner noted, Matthews does not teach such a limitation. Furthermore, it would not have been obvious to one of ordinary skill in the art to modify Matthews to provide generating a plurality of planes positioned on a polyhedron, planes being approximately parallel. The proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, thus there is no suggestion or motivation to make the proposed modification.

Matthews teaches a channel manager object, which conserves screen space while also indicating the presence of other panels. Matthews states that the invention accomplishes such a channel manager object by providing animated three-dimensional images. (Matthews, col. 15, lines 8-9). More specifically, Matthews teaches a channel manager which conserves screen space. Matthews recognizes that simultaneously displaying all of the available panels to the viewer has the disadvantage of taking up a lot of space. (Matthews, col. 14, lines 65-67).

Further, Matthews describes an easy to understand system, which provides the viewer with contextual clues regarding the existence of other available panels, as an advantage of his invention. Matthews accomplishes this by using a channel manager object with a panel-to-panel transitional animation. The viewer can use the remote control to spin the object and to reveal additional panels. As each panel is revealed, the channel manager is animated to show the spinning of the object structure and the relationship between menu panels. (Matthews, col. 16, lines 2-14). The animation allows the viewer to easily understand that the object consists of and can present more than one panel. Thus, the animated channel manager object accomplishes the intended

9

purposes of the Matthews invention, to conserve screen space and indicate the presence of other panels.

However, modifying Matthews to provide generating a plurality of planes positioned on a polyhedron, planes being approximately parallel, would render the Matthews invention unsatisfactory for its intended purposes. As previously discussed, the asserted purposes of the animated channel manager object are to conserve screen space and indicate the presence of other panels.

More specifically, parallel planes may occupy a greater proportion of screen space to display equivalent information compared to the unmodified structure taught by Matthews. For example, Matthews teaches a three-dimensional channel manager, where the channel manager is shaped as a rectangular parallelpiped figure. (Matthews, Fig. 7). The rectangular parallelpiped figure has six panels, but each panel is only parallel to the opposite panel. Upon modification of the channel manager to include the parallel plane element, the resultant configuration has two parallel walls. An additional structure may be required to include the same information as on the panels of the unmodified structure. Thus, modifying Matthews to provide generating a plurality of planes positioned on a polyhedron, planes being approximately parallel, would render the prior art invention being modified unsatisfactory for its intended purpose, to conserve screen space.

Additionally, modifying Matthews to include parallel planes may make the prior art less effective in indicating the presence of other panels. As the channel manager is animated to reveal the parallel panels, the object structure and the relationship between menu panels may be unclear to the viewer. For example, Matthews teaches a three-dimensional channel manager, where the channel manager is shaped as a rectangular

10

parallelpiped figure. (Matthews, Fig. 7). The rectangular parallelpiped figure has six panels, but each panel is only parallel to the opposite panel. Upon modification of the channel manager to include the parallel plane element, the resultant configuration has two parallel walls. As the parallel walls are animated, the structure of the object is less evident. Thus, the animated parallel walls are less effective in indicating the presence of other panels.

Therefore, since the proposed modification would render the prior art invention being modified unsatisfactory for its intended purposes, there is no suggestion or motivation to make the proposed modification.

Dependent claims 2-6, 8, 10, 14-18, 20, 22, 30, 32, 34, 38-42, 44 and 46 depend from one of independent claims 1, 13, 25, and 37, and therefore include the limitations of the independent claims. Since independent claims 1, 13, 25, and 37 are patentable over Matthews, dependent claims 2-6, 8, 10, 14-18, 20, 22, 30, 32, 34, 38-42, 44 and 46 are also patentable over Matthews.

Claims 8, 20, 32, and 44

Claims 8, 20, 32, and 44, as amended, include limitations that are not disclosed or suggested by Matthews. In particular, Applicant's claims include the limitation, or limitation similar thereto, of generating a plurality of planes positioned in the polyhedron, the planes being approximately parallel, the polyhedron having a first object on a first plane and a second object on a second plane, the objects providing interactive surfaces, wherein the surfaces are stationary.

Matthews does not teach such limitations. Matthews specifically teaches a channel manager object with a panel-to-panel transitional animation. The viewer can use

11

the remote control to spin the object and to reveal additional panels. (Matthews, col. 16, lines 2-14).

Thus, Matthews fails to describe objects providing interactive surfaces, wherein the surfaces are stationary, as is claimed by Applicant. Accordingly, Matthews does not anticipate claims 8, 20, 32, and 44 of the present application.

Claims 7, 9, 19, 21, 31, 33, 43, and 45

As previously discussed, independent claims 1, 13, 25 and 27 include limitations that are not disclosed or suggested by Matthews. Specifically, Matthews fails to disclose or teach the limitation, or limitation similar thereto, of generating a plurality of planes positioned on a polyhedron, planes being approximately parallel, as is claimed by Applicant. Therefore, Nakano must teach generating a plurality of planes positioned on a polyhedron, planes being approximately parallel.

However, Nakano fails to teach such a limitation. Rather, Nakano is directed to an imaginary screen of a three-dimensional rectangular parallelpiped (cube), which has six faces comprising four sides of front, left, right, and back faces and top and bottom faces. (Nakano, col. 15, lines 12-17). Thus, Nakano teaches a three-dimensional cube with four panels displayed which are not parallel. (Nakano, Figs. 17-21). Accordingly, there is no discussion or desire in Nakano for possibly generating a plurality of planes positioned on a polyhedron, planes being approximately parallel, as is claimed by Applicant.

09/665,367
Response and Amendment

Therefore, since there is no suggestion or motivation to combine the reference teachings or to modify Matthews or Nakano to include the above limitations, the references, cannot render independent claims 1, 13, 25, and 37 as obvious.

Claims 7, 9, 19, 21, 31, 33, 43, and 45 depend from one of the foregoing independent claims and include the novel limitations discussed above. Therefore, Matthews cannot render claims 7, 9, 19, 21, 31, 33, 43, and 45 as obvious, Nakano cannot render claims 7, 9, 19, 21, 31, 33, 43, and 45 as obvious, and the references in combination cannot render claims 7, 9, 19, 21, 31, 33, 43, and 45 as obvious.

Claims 11, 12, 23, 24, 35, 36, 47 and 48

As previously discussed, independent claims 1, 13, 25 and 27 include limitations that are not disclosed or suggested by Matthews and Nakano. Specifically, Matthews and Nakano fail to disclose or teach the limitation, or limitation similar thereto, of generating a plurality of planes positioned on a polyhedron, planes being approximately parallel, as is claimed by Applicant. Therefore, Williams must teach generating a plurality of planes positioned on a polyhedron, planes being approximately parallel.

However, Williams fails to teach such a limitation. Rather, Williams is directed to a method for automatically configuring an entertainment system based on a user's monitored system interaction. There is no discussion or desire in Williams for possibly generating a plurality of planes positioned on a polyhedron, planes being approximately parallel, as is claimed by Applicant.

In the previous office action, Examiner characterized Fig. 9 of Williams et al. as a display of a television grid. However, Fig. 9 is defined by Williams as a program

13

09/665,367
Response and Amendment

database, which provides programming information. (Williams, col. 8, lines 59-62). The program database is depicted as an array data structure. (Williams, col. 9, lines 1-4). The system controller accesses the program database of Fig. 9 to identify information such as which program and which genre of the television channel is currently being viewed. (Williams, col. 9, lines 64-67). Thus, Fig. 9 of Williams et al. fails to describe a display of a television grid. Accordingly, there is no discussion or desire in Williams for possibly generating a plurality of planes positioned on a polyhedron, planes being approximately parallel, as is claimed by Applicant.

Therefore, since there is no suggestion or motivation to combine the reference teachings or to modify Matthews, Nakano, or Williams to include the above limitations, the references, cannot render independent claims 1, 13, 25, and 37 as obvious.

Claims 11, 12, 23, 24, 35, 36, 47 and 48 depend from one of the foregoing independent claims and include the novel limitations discussed above. Therefore, Matthews cannot render claims 11, 12, 23, 24, 35, 36, 47 and 48 as obvious, Nakano cannot render claims 11, 12, 23, 24, 35, 36, 47 and 48 as obvious, Williams cannot render claims 11, 12, 23, 24, 35, 36, 47 and 48 as obvious, and the references in combination cannot render claims 11, 12, 23, 24, 35, 36, 47 and 48 as obvious.
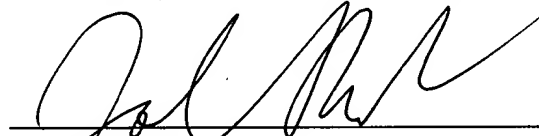
14

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 7/21/03

John P. Ward
Reg. No. 40,216

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300

15

09/665,367
Response and Amendment